

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 43 be amended to read as follows:

- 1 Page 3, between lines 26 and 27, begin a new line block
- 2 indented and insert:
- 3 "SECTION 2. IC 13-21-3-12 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Except as
- 5 provided in section 14.5 of this chapter, the powers of a district
- 6 include the following:
- 7 (1) The power to develop and implement a district solid waste
- 8 management plan under IC 13-21-5.
- 9 (2) The power to impose district fees on the final disposal of
- 10 solid waste within the district under IC 13-21-13.
- 11 (3) The power to receive and disburse money, if the primary
- 12 purpose of activities undertaken under this subdivision is to
- 13 carry out the provisions of this article.
- 14 (4) The power to sue and be sued.
- 15 (5) The power to plan, design, construct, finance, manage,
- 16 own, lease, operate, and maintain facilities for solid waste
- 17 management.
- 18 (6) The power to enter with any person into a contract or an
- 19 agreement that is necessary or incidental to the management of
- 20 solid waste. Contracts or agreements that may be entered into
- 21 under this subdivision include those for the following:
- 22 (A) The design, construction, operation, financing,
- 23 ownership, or maintenance of facilities by the district or
- 24 any other person.
- 25 (B) The managing or disposal of solid waste.

1 (C) The sale or other disposition of materials or products
2 generated by a facility.
3 Notwithstanding any other statute, the maximum term of a
4 contract or an agreement described in this subdivision may not
5 exceed forty (40) years.
6 (7) The power to enter into agreements for the leasing of
7 facilities in accordance with IC 36-1-10 or IC 36-9-30.
8 (8) The power to purchase, lease, or otherwise acquire real or
9 personal property for the management or disposal of solid
10 waste.
11 (9) The power to sell or lease any facility or part of a facility
12 to any person.
13 (10) The power to make and contract for plans, surveys,
14 studies, and investigations necessary for the management or
15 disposal of solid waste.
16 (11) The power to enter upon property to make surveys,
17 soundings, borings, and examinations.
18 (12) The power to:
19 (A) accept gifts, grants, loans of money, other property,
20 or services from any source, public or private; and
21 (B) comply with the terms of the gift, grant, or loan.
22 (13) The power to levy a tax within the district to pay costs of
23 operation in connection with solid waste management, subject
24 to the following:
25 (A) Regular budget and tax levy procedures.
26 (B) Section 16 of this chapter.
27 However, except as provided in sections 15 and 15.5 of this
28 chapter, a property tax rate imposed under this article may not
29 exceed eight and thirty-three hundredths cents (\$0.0833) on
30 each one hundred dollars (\$100) of assessed valuation of
31 property in the district.
32 (14) The power to borrow in anticipation of taxes.
33 (15) The power to hire the personnel necessary for the
34 management or disposal of solid waste in accordance with an
35 approved budget and to contract for professional services.
36 (16) The power to otherwise do all things necessary for the:
37 (A) reduction, management, and disposal of solid waste;
38 and
39 (B) recovery of waste products from the solid waste
40 stream;
41 if the primary purpose of activities undertaken under this
42 subdivision is to carry out the provisions of this article.
43 (17) The power to adopt resolutions that have the force of law.
44 However, a resolution is not effective in a municipality unless
45 the municipality adopts the language of the resolution by
46 ordinance or resolution.
47 (18) The power to do the following:
48 (A) Implement a household hazardous waste and
49 conditionally exempt small quantity generator (as
50 described in 40 CFR 261.5(a)) collection and disposal
51 project.

- 1 (B) Apply for a household hazardous waste collection and
 2 disposal project grant under IC 13-20-20 and carry out all
 3 commitments contained in a grant application.
- 4 (C) Establish and maintain a program of self-insurance for
 5 a household hazardous waste and conditionally exempt
 6 small quantity generator (as described in 40 CFR
 7 261.5(a)) collection and disposal project, so that at the end
 8 of the district's fiscal year the unused and unencumbered
 9 balance of appropriated money reverts to the district's
 10 general fund only if the district's board specifically
 11 provides by resolution to discontinue the self-insurance
 12 fund.
- 13 (D) Apply for a household hazardous waste project grant
 14 as described in IC 13-20-22-2 and carry out all
 15 commitments contained in a grant application.
- 16 (19) The power to enter into an interlocal cooperation
 17 agreement under IC 36-1-7 to obtain:
- 18 (A) fiscal;
 19 (B) administrative;
 20 (C) managerial; or
 21 (D) operational;
 22 services from a county or municipality.
- 23 (20) The power to compensate advisory committee members
 24 for attending meetings at a rate determined by the board.
- 25 (21) The power to reimburse board and advisory committee
 26 members for travel and related expenses at a rate determined
 27 by the board.
- 28 (22) In a joint district, the power to pay a fee from district
 29 money to:
- 30 (A) the **county or** counties in the district in which a final
 31 disposal facility is located; **or**
- 32 (B) **a county that:**
- 33 (i) **was part of a joint district;**
 34 (ii) **has withdrawn from the district as of January**
 35 **1, 2008; and**
 36 (iii) **has established its own district in which a final**
 37 **disposal facility is located.**
- 38 (23) The power to make grants or loans of:
- 39 (A) money;
 40 (B) property; or
 41 (C) services;
 42 to public or private recycling programs, composting programs,
 43 or any other programs that reuse any component of the waste
 44 stream as a material component of another product, if the
 45 primary purpose of activities undertaken under this subdivision
 46 is to carry out the provisions of this article.
- 47 (24) The power to establish by resolution a nonreverting
 48 capital fund. A district's board may appropriate money in the
 49 fund for:

- 1 (A) equipping;
 - 2 (B) expanding;
 - 3 (C) modifying; or
 - 4 (D) remodeling;
 - 5 an existing facility. Expenditures from a capital fund
 - 6 established under this subdivision must further the goals and
 - 7 objectives contained in a district's solid waste management
 - 8 plan. Not more than five percent (5%) of the district's total
 - 9 annual budget for the year may be transferred to the capital
 - 10 fund that year. The balance in the capital fund may not exceed
 - 11 twenty-five percent (25%) of the district's total annual budget.
 - 12 If a district's board determines by resolution that a part of a
 - 13 capital fund will not be needed to further the goals and
 - 14 objectives contained in the district's solid waste management
 - 15 plan, that part of the capital fund may be transferred to the
 - 16 district's general fund, to be used to offset tipping fees,
 - 17 property tax revenues, or both tipping fees and property tax
 - 18 revenues.
 - 19 (25) The power to conduct promotional or educational
 - 20 programs that include giving awards and incentives that further
 - 21 the district's solid waste management plan.
 - 22 (26) The power to conduct educational programs under
 - 23 IC 13-20-17.5 to provide information to the public concerning:
 - 24 (A) the reuse and recycling of mercury in:
 - 25 (i) mercury commodities; and
 - 26 (ii) mercury-added products; and
 - 27 (B) collection programs available to the public for:
 - 28 (i) mercury commodities; and
 - 29 (ii) mercury-added products.
 - 30 (27) The power to implement mercury collection programs
 - 31 under IC 13-20-17.5 for the public and small businesses.
 - 32 Renumber all SECTIONS consecutively.
- (Reference is to ESB 43 as printed February 22, 2008.)

Representative STEUERWALD